

Sub 3/010.
H. Hagan
said particular data including a changeable characteristic of said given article and/or certain profile data characterizing a user;

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said one or more processors being programmed to scan said MRL and permit a user to complete a transaction involving said given article including reading said particular data in said data store, said transaction being responsive to said particular data.

REMARKS

Claims 1 through 17 are pending in the present application.

The Office Action dated October 4, 2002, rejected claims 1-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,478,990 to Montanari ("the Montanari patent"). In addition, claims 12 through 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Montanari patent in view of U.S. Patent No. 5,821,512 ("the O'Hagan patent").

Regarding the rejection of claim 1, it is respectfully submitted that present claim 1 is patentable over the Montanari patent, and that claim 1 defines an invention that is neither disclosed nor suggested by the cited reference.

The Montanari patent teaches a specific method for tracking the production history of food products to enable verification of product origination. The method requires that a label or tag be affixed to a food product, and further that a predetermined number of additional tags be generated for display on various

portions of a food product during the fabrication process. In contrast, the invention of claim 1 requires "a machine-readable label (MRL) attachable to articles".

Moreover, it is respectfully submitted that the Montanari patent, in addition to failing to specifically teach, as suggested by the Action, that "the correlation in the data is automatically deleted", fails to teach, suggest or disclose that "particular data describing a given article" include "a changeable characteristic of a given article and/or certain profile data characterizing a user". Accordingly, as the Montanari patent fails to teach, suggest or disclose the invention defined by claim 1, which invention provides a user with a wide array of different contextual uses as opposed to simply providing a single or small number of contextual uses as taught by the Montanari patent, it is respectfully submitted that claim 1 is patentable over the cited reference. Thus, reconsideration and withdrawal of the rejection, and allowance of claim 1 are respectfully requested.

Regarding claims 2 through 7, which depend either directly or indirectly from claim 1, it is respectfully submitted that they are patentable at least for the reasons discussed above with respect to claim 1. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claims 2 through 7 are respectfully requested.

Regarding the rejection of claim 8, it is respectfully submitted that the method outlined in the Montanari patent does not teach, suggest or disclose the steps of: "at a retail establishment, storing a correlation between descriptive information about [an] article and [a] unique code in a data

store; and reading [the] unique code at a location other than [the] retail establishment" (emphasis added). Hence, at least because the Montanari patent fails to teach, suggest or disclose the remote reading feature defined by claim 8, it is respectfully submitted that claim 8 is patentable over the cited reference. Thus, reconsideration and withdrawal of the rejection, and allowance of claim 8 are respectfully requested.

Regarding the rejection of claims 9 through 13, which depend either directly or indirectly from claim 8, it is respectfully submitted that they are patentable at least for the same reasons discussed above with respect to claim 8. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claims 9 through 13 are respectfully requested.

Further, regarding the 103(a) rejection, and more particularly, the rejection of claims 12 and 13 in view of the O'Hagan patent, it is respectfully submitted that the O'Hagan patent, similar to the Montanari patent, fails to teach, suggest or disclose that "particular data describing a given article" include "a changeable characteristic of a given article and/or certain profile data characterizing a user". In addition, it is respectfully submitted that the O'Hagan patent, contrary to that suggested by the Action, does not teach "automatically deleted". Rather, the O'Hagan patent teaches that if "a customer wishes to delete [an] item whose dataform was previously read and confirmed for purchase, an area of [a] screen 14 corresponding to virtual button 226 is touched and the routine advances from step 314 to step 318." (emphasis added) (col. 11, lines 9-13). The O'Hagan patent further teaches that should a customer wish not to purchase a previously non-confirmed item, "an area on the screen corresponding to virtual button 228 is pressed, causing

the routine to disregard or ignore that dataform read." (emphasis added) (col. 11, lines 23-25). Hence, it is respectfully submitted that a touching or pressing action is necessary to delete and/or ignore any read data. Accordingly, it is further respectfully submitted that the O'Hagan patent teaches away from an "automatic" deletion, and distinctively suggests a manual action.

Regarding specifically the rejection of claim 14 in view of the O'Hagan patent, it is respectfully submitted that claim 14 is patentable over the O'Hagan patent, and that claim 14 defines an invention that is neither disclosed nor suggested by the cited reference. The O'Hagan patent, as discussed above, requires a touching or pressing action to delete and/or ignore any read data. In contrast, the method of claim 14 requires a step of "deleting [a] correlation after the passage of a predetermined period of time after [a] step of storing". Thus, at least because the O'Hagan patent fails to teach, suggest or disclose the predetermined deleting feature defined by claim 14, reconsideration and withdrawal of the rejection, and allowance of claim 14 are respectfully requested.

Regarding the rejection of claims 15 through 17, which depend either directly or indirectly from claim 14, it is respectfully submitted that claim 15 through 17 are patentable at least for the reasons discussed above with respect to claim 14. Accordingly, reconsideration and withdrawal of the rejection, and allowance of claims 15 through 17 are respectfully requested.

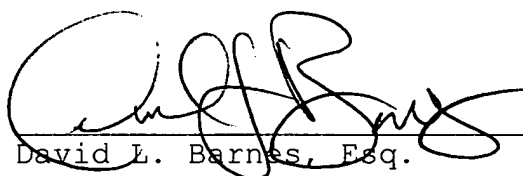
In sum, it is respectfully submitted that the pending present claims are clearly patentable over each of the cited

references and/or any proper combination thereof. Thus, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all rejections of the claims are respectfully requested.

Finally, it noted that the brief description of Fig. 23 was added via a Preliminary Amendment filed with the original application on March 31, 2001. Notwithstanding this fact, we have, for convenience purposes, provided herewith a clean version of the proposed new paragraph in accordance with revised 37 CFR 1.121.

Dated:

1/3/03



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert between paragraph [0050] and paragraph [0051] the following paragraph:

Fig. 23 illustrates a simple process for receiving recommendations in response to identification of the user.

Please replace paragraph [0065] with the following:

In step S2, an interaction may be initiated between the reader 100/120 and the LAN server [140] 150 or Network server 140 beginning with the transmission of data to the network server 140. For example, the data transmitted may include data from the MRL device T plus other information, the other information including, for example, the identity of the user and/or certain profile data characterizing the user. Included with the information from the MRL device T may be a network address to which the reader 100/120 may connect to complete the information exchange. The interaction is continued as defined by an interaction process running on the server 140 at step S3. The data exchanged in the interaction may include data responsive to the acquired data, further user input S4, and/or data stored on the network server 140. Generally, it is contemplated that the interaction would be conducted in accord with, and by means of, a client-server process, for example using HDML (handheld device markup language), a markup language for small wireless devices or HTML (hypertext markup language).

Please replace paragraph [0127] with the following:

Referring to FIG. 12, a modification of the process of FIG. 6A allows a user to receive information through a fixed 120 or portable reader 100 and, in case the user chooses not to receive a response at that time or the portable reader 100 is unable to connect to the server 140, the response is delayed and continued later. Assume the user scans the MRL device T causing the reader 100/120 to acquire data from the MRL device T in step S10. In step S12, the reader 100/120 determines if it is able to connect with the network/Internet 130. If the reader 100/120 is connected, the interaction may be initiated between the reader 100/120 and the LAN server [140] 150 or Network server 140 beginning with the transmission of data to the network server 140 at step S16. For example, the data transmitted may include data from the MRL device T plus other information, the other information including, for example, the identity of the user and/or certain profile data characterizing the user. Included with the information from the MRL device T may be a network address to which the reader 100/120 may connect to complete the information exchange. The interaction is continued as defined by the interaction process running on the server 140 at step S20. The data exchanged in the interaction may include data responsive to the acquired data, further user input, and/or data stored on the network server 140. Generally, it is contemplated that the interaction would be conducted in accord with, and by means of, a client-server process, for example using HDML (handheld device markup language), a markup language for small wireless devices or HTML (hypertext markup language).

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Amended) A system for tracking descriptive information about a changeable article:

a machine-readable label (MRL) attachable to articles;

one or more processors connectable to a MRL reader and programmed to create an association between data stored in an MRL with particular data describing a given article and store said association in a data store;

said particular data including a changeable characteristic of said given article and/or certain profile data characterizing a user;

said one or more processors being programmed to scan said MRL and permit a user to complete a transaction involving said given article including reading said particular data in said data store, said transaction being responsive to said particular data.